

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Case No. 20-cr-20491

Plaintiff,

-vs-

**U.S. District Judge: Thomas L. Ludington
Magistrate Patricia T. Morris**

JUSTIN WILLIAM ZUBE,

Defendant.

ANCA I. POP (P70032)
Assistant United States Attorney
101 First Street, Suite 200
Bay City, Michigan 48708-5747
Telephone: 989-895-5790
ancapop@usdoj.gov

JEFFREY J. RUPP (P61749)
BRISBOIS, BRISBOIS & RUPP, PLLC
Attorney for Justin W. Zube
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Saginaw, Michigan 48602
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**NOTICE OF REQUEST FOR DISCOVERY
AND BRIEF IN SUPPORT**

In compliance with the “Standing Order for Discovery and Inspection” entered in this case, Defendant, JUSTIN WILLIAM ZUBE, by and through his counsel, hereby provides the government with the following requests and notices:

1. It is requested that the government provide copies of:
 - A. Any information within the meaning of paragraph 1(a) of the Standing Order and/or Federal Rule of Criminal Procedure 16 (a) (1), including specifically:
 - I. Any statement of defendant, as required by Rule 16 (a)(1)(B);

- II. Defendant's prior criminal record, as required by Rule 16(a)(1)(B);
 - III. Any documents and tangible objects material to the preparation of the defense, intended to be used in the government's case-in-chief, or obtained from or which belong to defendant, as required by Rule 16(a)(1)(c);
 - IV. Any reports of examinations and tests, as required by Rule 16(a)(1)(D); and;
 - V. A written summary of the testimony of any expert witness, as required by Rule 16 (a)(1)(E).
- B. Any exculpatory evidence or impeachment evidence within the meaning of Standing Order paragraph 1(b) and/or *Brady v. Maryland*, 373 U.S. 83 (1963) and *United States v. Agurs*, 247 U.S. 97 (1976).
- C. Any document, which will be used to refresh the memory of a witness, within the meaning of Standing Order paragraph 8, and/or Federal Rule of Evidence 612.
- D. Any statement by persons who have possible knowledge or information relative to this case, which is not protected from disclosure by 18 USC Section 3500(a).
- E. Any statements of witnesses within the meaning of 18 USC Section 35(e).
- Defendant acknowledges that such statements are purportedly protected by statute from disclosure at this point in the proceedings. Nevertheless, he requests immediate disclosure to protect his constitutional rights, including but not limited to, the right to effective assistance of counsel and effective cross-examination. Failure to do so will, in all likelihood, necessitate delays during trial to prepare for cross examination.
2. Defendant requests that the prosecution provide an opportunity to review the documents

- or records relating to the chain of possession of any exhibit, which the prosecution intends to introduce in evidence at trial, as required by paragraph 6 of the Standing Order.
3. Notice is given, pursuant to paragraph 5(b) of the Standing Order, that the foundation of any and all exhibits may be contested.
 4. Notice is given, pursuant to paragraph 6 of the Standing Order, that the chain of possession of any and all exhibits may be contested.
 5. Notice is given, pursuant to paragraph 7 of the Standing Order, that any scientific analysis or summary testimony under Federal Rules of Evidence 702, 703, 705 and 1006.
 6. Notice is requested of the nature of any evidence of other crimes, wrongs or acts of defendant that the government will seek to admit pursuant to Federal Rule of Evidence 404(b).
 7. Notice is requested, pursuant to Federal Rule of Criminal Procedure 12(d)(2), of the government's intent to use in its case-in-chief any evidence which defendant is entitled to discover under Federal Rule of Criminal Procedure 16.
 8. All requests for information, materials, or evidence contained herein are continuing, and the prosecution is expected to immediately provide any additional information, materials, or evidence as required by paragraph 3 of the Standing Order and/o Federal Rule of Criminal Procedure 16(c).
 9. Notices contained herein remain in effect until expressly withdrawn.

Dated: May 20, 2021

Respectfully submitted,

s/Jeffrey J. Rupp (P61749)
1107 Gratiot Avenue
Saginaw, Michigan 48602
Telephone: (989) 799-6000
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BRIEF IN SUPPORT OF REQUESTS AND NOTICES

Defendant relies on the particular provisions of the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, the Standing Order for Discovery and Inspection cited in the Requests and Notices, and the discretion of the Court in interpreting and applying the rules and Order.

Dated: May 20, 2021

Respectfully submitted,

s/Jeffrey J. Rupp (P61749)
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CERTIFICATE OF SERVICE

I, Amy M. Rappley, Legal Assistant to Brisbois, Brisbois & Rupp, PLLC, hereby certify that on May 20, 2021, the foregoing document, *Notice of Request for Discovery and Brief in Support*, was electronically filed with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Assistant United States Attorney, Anca I. Pop

I further certify that I have mailed by United States Postal Service the foregoing document to the following non-ECF participants:

None.

I further certify that I have mailed a copy by United States Postal Service of the foregoing document to the following:

None.